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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,272	11/26/2001	Roel Van Woudenberg	NL 010154	8820

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,272

Applicant(s)

VAN WOUDEBERG, ROEL

Examiner

Aristotelis M. Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-26 is/are pending in the application.
- 4a) Of the above claim(s) 20-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 6-8, 13-17, 19, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 11, 12, 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

Applicant's response of 7/14/06 has been considered with the following results.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoh et al further considered with Ide et al.

The following analysis is made:

Claim 1:

Ide et al & Satoh et al

A multi-layer record carrier provided
with at least two substantially parallel information
layers and capable of being scanned by a
single scanning device,
wherein data is written in units of data
blocks on tracks of said at least information layers,

see abstracts of both documents

a first guard field being written at a start of
a data block and a second guard field
being written at an end of said data block,

see figure 9 of Ide et al

Characterized in that in at least an upper
information layer of
information layers,

see discussion below
said at least two substantially parallel

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said first and second guard fields have lengths such that an end position of said second guard field of a preceding data block in a track is located within an area of said first guard field of a succeeding data block in said track.

The ability of having multi-layered recording media is well known as taught by Satoh et al.

Satoh et al does not have guard fields/ track as recited in the claims.

Ide et al discusses in the recording arts the ability of having a plethora of "guard" areas/filed bracketing data zones/fields.

The ability of having a "guard" field prior to and subsequent to a data field is well known – as discussed with respect to figure 9 of Ide et al. Note in particular the plurality of guard fields/gaps G1, G2 prior to DF, and G3,G4 subsequent to DF. Also note that both G3 and G4 of the prior DF are prior to the leading G1 field of the subsequent DF in this figure.

It would have been obvious to modify the base system of Satoh et al with the above teaching from Ide et al, motivation is as discussed by Ide et al – see col. 3 lines 1-24 – i.e., for variations in rotational speed of the disc.

With respect to method claim 11, such is met when the record medium is recorded thereto.

With respect to apparatus claim 18, such elements are considered present in the above combined references in order to permit the recording to take place.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In addition as now presented and rejected, the claimed limitations are met.

2. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 1 above, and further in view of WO/00/16320.

The examiner concludes that the WO document has such a capability, i.e., the focusing of an optical beam (which has a beam diameter) upon the lower of the two information layers. As further noted in paragraph 0120 of the WO document the in within a range of 20-100 mum in diameter.

Although there is no clear depiction of a minimum length of the guard fields in the WO document, because the document provides for an overlap from 0 to a maximum as discussed in paragraph 0061, and a light beam diameter from 20-100 mum is permitted, that a minimum length as recited if not inherently present is an obvious design capability for optimizing system parameters – see *In re Peterson*, 65 USPQ2nd 1379.

The examiner relies upon the English translation of such a document.

With respect to method claim 12, such is met when the record medium is written thereto.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 1 above, and further in view of Oguro.

There is no clear depiction of both a "preamble pattern" and a "postamble pattern" in the above documents relied upon in paragraph 1.

Nevertheless, Oguro et al teach the ability of having such in this environment – see the discussion with respect to figure 6, for instance.

It would have been obvious to modify the base system as relied upon in paragraph 1 above with the additional teaching from Oguro et al, motivation is as discussed with respect to figure 4 in Oguro et al.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The examiner regrets his incorrect reference to figure 4 of the Oguro reference – it is actually figure 6, which depicts the preamble and postamble teaching.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 as stated in paragraph 1 above, and further in view of Saito et al.

Saito et al teaches the ability of having/placing/recording dummy data in the appropriate fields to ensure proper synchronization of the information. Applicant's attention is drawn to figure 2 for instance. The examiner concludes the ability of dummy blocks as also teaching dummy data.

It would have been obvious to modify the base system as relied upon above in paragraph 1 with the additional teaching from Saito et al, motivation is as discussed in Saito et al to provide appropriate synchronization upon use of the information.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 4,6,7,8,25, 13-17,26 and 19-20 are allowed.

Applicant is reminded that upon allowance of all claims, cancellation of non-elected claims must be done.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

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of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner
Art Unit 2627



AMP